

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

CEATRICE KELLY

PLAINTIFF

v.

CIVIL ACTION NO. 4:06cv55-TSL-JMR

THE HIGBEE COMPANY D/B/A  
DILLARD'S AND DILLARD STORE  
SERVICES, INC.

DEFENDANTS

**AGREED ORDER COMPELLING ARBITRATION**

Plaintiff Ceatrice Kelly and Defendants The Higbee Company d/b/a Dillard's and Dillard Store Services, Inc. requests that this Court: 1) compel arbitration of all the Plaintiff's claims asserted in this federal court action, and 2) stay this judicial proceeding until any resulting arbitration has been concluded and confirmed. Through submission of this Agreed Order Compelling Arbitration, counsel for Plaintiff has represented to this Court that Kelly has agreed to submit her claims against Defendants to arbitration and has consented to the entry of this Agreed Order.

Having considered the statements set forth herein, and noting that this is an Agreed Order, this Court FINDS that the *ore tenus* motion is well-taken and should be granted.

WHEREFORE, PREMISES CONSIDERED, it is hereby ORDERED that:

- (1)The parties' are hereby ordered to arbitrate the disputes asserted by Kelly against Defendants in the Complaint filed in this pending action;
- (2)Should Kelly desire to pursue any claims against Defendants, she is ENJOINED to do so solely in the course of an arbitration proceeding in full accordance with the terms of the applicable arbitration agreement;
- (3)The entirety of this federal court Action, and all claims being pursued therein, are hereby STAYED pending the final conclusion of arbitration and confirmation of any award, in accordance with the terms of the applicable arbitration agreement; and

(4) Nothing in this Order shall prohibit Kelly from dismissing with prejudice her claims against Defendants.

SO ORDERED AND ADJUDGED, this the 25th of July, 2006.

/s/ Tom S. Lee  
UNITED STATES DISTRICT JUDGE

Submitted by:

s/Paula Graves Ardelean  
PAULA GRAVES ARDELEAN  
MS Bar #4975

JOHN MOONEY

Jackson 1442405v.1